

REMARKS/ARGUMENTS

The present Amendment is in response to the Final Office Action having a mailing date of May 4, 2005. Claims 1-16 are pending in the present Application.

Applicant has amended claims 1, 13, 14, and 15 to more clearly recite that dynamically obtaining data for the nodes or computer systems is obtained by sampling the nodes or computer systems, respectively. Support for the amendment can be found in the specification, page 10, lines 2-11.

This application is under Final Rejection. Applicant has presented arguments hereinbelow that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the Amendment to clarify issues upon appeal.

In the above-identified Office Action, the Examiner rejected claims 1-6 and 13-16 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,668,995 (Bhat). The Examiner also rejected claims 6-12 as being unpatentable over Bhat in view of U.S. Patent No. 5,692,192 (Sudo).

In the above-identified Office Action, the Examiner rejected claims 1-6 and 13-16 under 35 U.S.C. § 102 as being anticipated by Bhat. In addition, with respect to Applicant's arguments, the Examiner stated: as understood by the examiner, Bhat and the invention as claimed are functional equivalents even if the terms used in each are not identical."

Applicant respectfully traverses the Examiner's rejection. Independent claims 1, 13, 14, and 15 recite that data related to monitors for the cluster are dynamically obtained and dynamically analyzed. As described in the specification, and recited in independent claims 1, 13, 14, and 15, dynamically obtaining the monitors includes sampling the nodes and/or computer systems. For example, the data might be sample every minute or several times per hour to dynamical obtain the

monitors. Specification, page 10, lines 2-11. As recited in independent claims 1, 13, 14, and 15, the data that has been dynamically obtained by sampling is dynamically analyzed. Consequently, the methods, computer-readable medium and system recited in claims 1, 13, and 14 can determine performance *while the computer systems are running*.

In contrast Bhat fails to teach or suggest a method, system, or computer-readable medium that dynamically obtain data regarding monitors by sampling or any other means. Bhat also fails to teach or suggest dynamically analyzing the data to determine whether performance of a cluster can be improved. Bhat describes a system that is used in planning a multi-processor computer system. Bhat, Abstract. In order to plan the system, the “user specified requirements” are input. Bhat, col. 1, lines 58-60. These inputs include a number of *average* parameters, such as the average number of transactions, the average input data size per transaction, the average output data size per transaction etc. Bhat, col. 3, lines 6-13. Moreover, the system of Bhat provides “defaults values” for these inputs that can “overridden by the user.” Bhat, col. 3, lines 13-15. These “requirements” are not dynamically obtained in the system of Bhat. Stated differently, the nodes and/or computer systems are not sampled to obtain the data from the nodes and/or computer systems. Instead, the (static) source of the data is the user. Thus, it is clear from the discussion of Bhat that these parameters are user-input, presumably predetermined for the system, and not dynamically obtained for example by sampling. Consequently, Bhat does not teach or suggest dynamically obtaining data regarding monitors.

Applicant also respectfully disagrees that the teachings of Bhat are functionally equivalent to the methods, computer-readable medium, and systems recited in claims 1, 13, 14, and 15. Because “dynamically obtaining” the monitors is recited, the methods, computer-readable medium, and systems of claims 1, 13, 14, and 15 obtain the data for the monitors directly from the nodes

and/or computer systems being analyzed while the nodes and/or computer are functioning. Thus, as recited in claims 1, 13, 14, and 15, the nodes and/or computer systems are sampled in order to dynamically obtain the monitors. In contrast, the system of Bhat does not need to sample nodes and/or computer systems to dynamically obtain data. Instead, the user enters parameters *or defaults* are used. Applicant respectfully disagrees that dynamically obtaining data from the nodes and/or computer systems is functionally equivalent to having a user input the data. Consequently, Bhat still fails to teach or suggest dynamically obtaining the monitors for the nodes and/or computer systems.

Moreover, Bhat fails to teach or suggest dynamically analyze the data. As discussed above, Bhat utilizes user-input data that is apparently composed of predetermined averages and analyzes the user-input data to obtain resultants. The system of Bhat does not need to analyze this “data” while the computer system and/or nodes are operating. Instead, Bhat merely performs calculations for the user-input “data” free of any considerations for a system that is currently operating, such as a time limit in analyzing data and improving performance. Thus, Bhat fails to teach or suggest dynamically analyzing the data for the node and/or computer systems.

For the reasons discussed above, Bhat fails to teach or suggest the methods, computer-readable medium, and system recited in independent claims 1, 13, 14, and 15. Accordingly, Applicant respectfully submits that claims 1, 13, 14, and 15 are allowable over the cited references.

Claims 2-6 and 16 depend upon independent claims 1 and 15, respectively. Consequently, the arguments herein apply with full force to claims 2-6 and 16. Accordingly, Applicant respectfully submits that claims 2-6 and 16 are allowable over the cited reference.

The Examiner also rejected claims 6-12 as being unpatentable over Bhat in view of Sudo.

Applicant respectfully traverses the Examiner's rejection. Claims 6-12 depend upon claim 1. Consequently, the arguments herein apply with full force to claims 6-12. In particular, Bhat fails to teach or suggest dynamically obtaining data relating to monitors for nodes/computer systems by sampling the nodes/computer systems and dynamically analyzing the data to determine whether performance can be improved in conjunction with providing at least one cluster-level remedy if performance can be improved.

The cited portion of Sudo fails to remedy the defects of Bhat. Sudo is used in distributing loads for a distributed system. Sudo, Abstract. In particular, the cited portion of Sudo describes a distributed system in which threads for a particular task may be distributed over a number of systems. Sudo, col. 3, lines 19-31. Sudo describes monitoring the loads and determining whether threads for a load are distributed equally between information processing systems. Sudo, col. 5, lines 10-14. If not, then threads for the task may be redistributed to even the load. Sudo, col. 5, lines 15-22.

One of ordinary skill in the art would not be motivated to combine the teachings of Sudo with those of Bhat. As discussed above, Bhat does not dynamically obtain data by sampling (or any other possible mechanism). Similarly Bhat does not dynamically analyze the data. Furthermore, there is no indication in Bhat that the system of Bhat distributes threads for a load to different nodes in the system of Bhat. Consequently, one of ordinary skill in the art would not be motivated to combine teachings of Sudo that are aimed at a specific problem in distributed systems: an imbalance in the distribution of threads, with those of Bhat, which relate to planning the creation of or addition to a networked system.

Even if the teachings of Sudo were added to those of Bhat, the combination would fail to teach or suggest the methods described in claims 6-12. If the teaching of Sudo, indicating the

desirability of a balance in the load for threads in a distributed system, were added to the system of Bhat, the combination might take this preferred condition, equal loads, into account when analyzing the user input. Alternatively, the combination might allow the user to input equal loads for threads as a user requirement. The system of Bhat would then provide the recommended multiprocessor or other component for the system, including the prices and costs, that could be used to ensure that the load on threads would be equal. However, the combination would still fail to dynamically obtain data relating to monitors for nodes/computer systems and fail to dynamically determine whether performance of the cluster could be improved and, if so, provide one or more remedies including a cluster level remedy. Consequently, Bhat in view of Sudo fails to teach or suggest the methods recited in claims 6-12. Accordingly, Applicant respectfully submits that claims 6-12 are allowable as presented.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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Date

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